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TO: CODE ADMINISTRATION CUSTOMERS AND STAFF

FROM: JOHN CATLETT, DIRECTOR

SUBJECT: OCCUPANCY PERMITS; REQUIREMENTS FOR ADDITIONS

This policy is intended to provide clarification as to why the City of Alexandria requires a Certificate of Occupancy (CO) for additions on existing buildings before the addition may be occupied. Virginia Construction Code Section 113.8 has permissive, not required language that allows a final inspection to serve as a CO for an addition.

113.8 Final inspection. Upon completion of a building or structure and before the issuance of a certificate of occupancy, a final inspection shall be conducted to ensure that any defective work has been corrected and that all work complies with the USBC and has been approved, including any work associated with modifications under Section 106.3. The approval of a final inspection shall be permitted to serve as the new certificate of occupancy required by Section 116.1 in the case of additions or alterations to existing buildings or structures that already have a certificate of occupancy.¹

In the City of Alexandria, a project must be approved by all City review agencies to ensure that the finished construction is in compliance with conditions of the approved plans and issued permits. This includes Board of Architectural Review (BAR) approvals, zoning requirements for set-back or height restrictions, and possible infrastructure or site grading issues.

Certificates of Occupancies serve to verify both building code and zoning compliance. An application is to be completed by the customer at any point before requesting the final building inspection for occupancy. Staff shall ensure the CO application states the request is for the addition only and not for the existing structure.

Field staff is authorized to allow occupancy once the final building inspections occur for residential additions as long as it has been verified that no other agencies have issues that would prohibit safe occupancy. The final inspection for a residential addition may serve as a temporary CO.

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If the applicant requests a CO for the entire structure, the following requirements of Virginia Construction Code shall be followed:

116.1 General; when to be issued. A certificate of occupancy indicating completion of the work for which a permit was issued shall be obtained prior to the occupancy of any building or structure, except as provided for in this section generally and as specifically provided for in Section 113.8 for additions or alterations. The certificate shall be issued after completion of the final inspection and when the building or structure is in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled. The building official shall, however, issue a certificate of occupancy within five working days after being requested to do so, provided the building or structure meets all of the requirements for a certificate.

Exception: A certificate of occupancy is not required for an accessory structure as defined in the International Residential Code.

116.4 Issuance of certificate for pre-USBC buildings or structures. When a building or structure was constructed prior to being subject to the initial edition of the USBC and the local building department does not have a certificate of occupancy for the building or structure, the owner or owner's agent may submit a written request for a certificate to be created. The building official, after receipt of the request, shall issue a certificate provided a determination is made that there are no current violations of the Virginia Maintenance Code or the Virginia Statewide Fire Prevention Code (13 VAC 5-51) and the occupancy classification of the building or structure has not changed. Such buildings and structures shall not be prevented from continued use.

Exception: When no certificate exists, but the local building department has records indicating that a certificate did exist, then the building official may either verify in writing that a certificate did exist, or issue a certificate based upon the records.¹

The compliance review required by Section 116.4 shall consist of a review of current electronic records to see if any unresolved Maintenance Code or Fire Prevention Codes violations exist. The CO shall indicate that it is for a pre USBC building and is issued under the provisions of 116.4 with the following statement:

“This Certificate of Occupancy has been issued under the authority of Section 116.4 of the Virginia Construction Code for pre-USBC buildings. It includes a review of records at the time of request for any outstanding Virginia Maintenance Code and/or Virginia Fire Prevention Code violations and none were found. This document does not verify compliance with any current Virginia Codes, but does indicate that the building has been occupied for its previously intended purpose with no known violations of the above codes.”

Footnote #1 – 2009 Virginia Construction Code